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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,876	03/23/2004	Yuko Nishikawa	81234 7114	2678
37123 7590 03/17/2009 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER TAYLOR, JOSHUA D				
ART UNIT		PAPER NUMBER		
2426				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,876

Applicant(s)

NISHIKAWA ET AL.

Examiner

JOSHUA TAYLOR

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The methods of claims 1-9 are not tied to another statutory class, i.e. an apparatus. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 rejected under 35 U.S.C. 102(e) as being anticipated by Heuvelman (Pub. No.: US 2003/0126600).

Regarding claim 1, Heuvelman discloses **a method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Fig. 3, elements 308 and 330, paragraph [0087], lines

11-18 and 37-41); **while displaying a selected discrete selectable item of data** (paragraph [0049]); **using the characterizing descriptors as correspond to the selected discrete selectable item of data to provide at least one selection criterion** (paragraph [0015]); **using the at least one selection criterion to identify at least another one of the plurality of discrete selectable items of data** (paragraph [0066]); **displaying information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of data** (paragraph [0012]).

Regarding claim 2, Heuvelman discloses **the method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (paragraphs [0018] and [0022]).

Regarding claim 3, Heuvelman discloses **the method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content** (paragraph [0009], lines 11-19).

Regarding claim 4, Heuvelman discloses **the method of claim 3 wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (paragraph [0009], lines 11-19).

Regarding claim 5, Heuvelman discloses **a method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content** (Fig. 3, elements 308 and 330, paragraph [0087], lines 11-18 and 37-41); **while displaying a selected discrete selectable item of audio/visual content** (paragraph [0049]); **identifying at least another one of the plurality of discrete selectable items of audio/visual content for which at least one characterizing descriptor as individually corresponds to the at least another one of the plurality of discrete selectable items of audio/visual content that is similar to a characterizing descriptor of the selected discrete selectable item of audio/visual content** (paragraphs [0013]-[0016] and [0066]); **displaying information regarding the at least another one of the plurality of discrete selectable items of audio/visual content** (paragraphs [0012] and [0017]-[0021]).

Regarding claim 6, Heuvelman discloses **the method of claim 5 wherein the information regarding the at least another one of the plurality of discrete selectable items of audio/visual content is displayed at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of audio/visual content** (paragraph [0012]).

Regarding claim 7, Heuvelman discloses **the method of claim 5 further comprising responding to a remote control device by triggering the display of the information regarding the at least another one of the plurality of discrete selectable items of audio/visual content** (paragraph [0029]).

Regarding claim 8, Heuvelman discloses **the method of claim 5 wherein the information displayed regarding the at least another one of the plurality of discrete selectable items of audio/visual content comprises at least one of: a graphic image; a video sequence** (paragraph [0009], lines 11-19).

Regarding claim 9, Heuvelman discloses **the method of claim 5 wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (paragraph [0009], lines 11-19).

Regarding claim 10, Heuvelman discloses **an interactive data display system comprising: characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Fig. 3, elements 308 and 330, paragraph [0087], lines 11-18 and 37-41); **a selected displayed discrete selectable item of data** (paragraph [0049]); **control circuitry that: uses the characterizing descriptors as correspond to the selected displayed discrete selectable item of data to provide at least one selection criterion** (paragraph [0015]); **uses the at least one selection criterion to identify at least another one of the plurality of discrete selectable items of data** (paragraph [0066]); **displays information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected displayed discrete selectable item of data** (paragraph [0012]).

Regarding claim 11, Heuvelman discloses **the interactive data display system of claim 10 wherein the plurality of discrete selectable items of data comprises a**

plurality of discrete selectable items of audio/visual content (paragraph [0009], lines 11-19).

Regarding claim 12, Heuvelman discloses **the interactive data display system of claim 10 further comprising: a remote control device** (paragraph [0029]).

Regarding claim 13, Heuvelman discloses **the interactive data display system of claim 12 wherein the remote control device comprises at least one key to trigger the display of information regarding the at least another one of the plurality of discrete selectable items of data** (paragraph [0037]).

Regarding claim 14, Heuvelman discloses **the interactive data display system of claim 10 wherein the control circuitry further displays information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of data** (paragraph [0012]).

Regarding claim 15, Heuvelman discloses **the interactive data display system of claim 11 wherein the information regarding the at least another one of the plurality of discrete selectable items of audio/visual content comprises at least one of: a graphic image; a video sequence** (paragraph [0009], lines 11-19).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

Examiner, Art Unit 2426

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2426